

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

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JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO CLARIFY THE APPLICABILITY OF THE ND LD 2142
1820 MAINE TORT CLAIMS ACT

Sponsor: MANNING, Allen, Paradis, P., Chalmers
Committee Report: OTP-ND-NT

SUMMARY: See New Draft, LD 2142.

LD AN ACT TO EXTEND THE TRUST LAND DESIGNATION PL 1985
1844 OF THE PENOBSCOT NATION c. 639

Sponsor: PERSON, Cashman
Committee Report: OTP-AM

S-402 CA H S
S-412 PEARSON H S

SUMMARY: LD 1844 extends the time for designation of Penobscot Nation trust land to April 1, 1988. It also adds to the land that may become trust land any 300 acres within the City of Old Town agreed upon by the Penobscot Nation and the City, provided that the agreement must be finalized prior to August 31, 1991.

LD AN ACT RELATING TO TAKING OF LAND UNDER THE LVWD
1856 COASTAL ISLAND REGISTRY LAW

Sponsor: MAYO, Chalmers, Allen, Kane
Committee Report: LVWD

SUMMARY: This bill sought to allow a person claiming ownership of a coastal island to recover legal and other expenses incurred in establishing the person's claim when the island property is erroneously taken by the State under the Maine Coastal Island Registry law.

LD AN ACT TO RESOLVE A CONFLICT IN THE LAW PL 1985
1859 DEALING WITH THE CRIME OF GROSS SEXUAL c. 544
MISCONDUCT

Sponsor: KANE
Committee Report: OTP

SUMMARY: LD 1859 clears up a conflict between two bills, enacted last year, which amended the crime of gross sexual misconduct. The marital rape bill eliminated from this crime the defense of a man and woman living together at the time of the crime. A later bill dealing with sex offense

definitions in the Criminal Code amended the same subsection without reference to the prior bill and without repealing the defense. LD 1859 repeals and replaces the subsection to make it clear that the defense is repealed.

LD AN ACT TO REQUIRE CRIMINAL HISTORY RECORD ND LD 2295
1860 INFORMATION PRIOR TO THE BAILING OF CERTAIN
OFFENDERS

Sponsor: BRANNIGAN
Committee Report: OTP-ND-NT, ONTP

SUMMARY: See New Draft, LD 2295.

LD AN ACT RELATING TO THE TIME OF PENOBSCOT LVWD
1868 NATION TRUST LAND ACQUISITION

Sponsor: PEARSON, Cashman
Committee Report: LVWD

SUMMARY: This bill provided for an extension of time for trust land designation identical to that provided in LD 1844. For this reason, LD 1868 was withdrawn.

LD AN ACT TO AMEND THE PROTECTION FROM ABUSE LAW PL 1985
1871 c. 557

Sponsor: KANE
Committee Report: OTP

H-516 KANE H S

SUMMARY: The bill corrects a confusion arising from last year's amendment of the protection from abuse statutes to permit protection from abuse orders to be acquired when a child is being abused by a family or household member. The problem arose because the definition of "abuse" in the protection from abuse law was not also amended so that it refers to abuse by an adult on a child rather than only to abuse between adults.

A House Amendment was added to the bill to make it clear that a parent or other person responsible for the long-term care of a child within a household may appropriately use a reasonable degree of force to the extent he reasonably believes it necessary to prevent or punish a child's misconduct.